

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CHRISTOPHER RAY GRIDER,**

**Defendant**

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**Case No. 21-mj-00033-SH**

**DEFENDANT’S MOTION TO REOPEN THE DETENTION HEARING**

TO THE HONORABLE SUSAN HIGHTOWER, UNITED STATES MAGISTRATE JUDGE:

COMES NOW CHRISTOPHER RAY GRIDER, the Defendant in the above styled and numbered cause, by and through undersigned counsel, and, pursuant to 18 U.S.C. § 3142(f), moves this Court to reopen the detention hearing to consider new evidence that was not known to Defendant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the safety of any other person and the community.

1. As reflected in this Court’s order, this Court is under the impression that Defendant was “a *leading participant* in the offenses charged inside the United States Capitol Building on January 6, 2021.” Order of Detention Pending Trial at 2 (emphasis added). This Court — as the Government argued — further placed emphasis on acts alleged to have been committed at the doors leading to the Speaker’s Lobby. *Id.*
2. Shortly after the conclusion of the detention hearing in the matter, counsel for

Defendant attempted to locate additional videos that shed further light as to what took place at the doors leading to the Speaker's Lobby.

3. While the complaint includes images from what appears to be a video marked with the distinct watermark "JAYDEN X" taken at the doors leading to the Speaker's Lobby, despite his best efforts, undersigned counsel was unable to locate that video nor was provided that evidence by the Government prior to the detention hearing.
4. As reflected on attached Exhibit A to this motion, the internet search history for undersigned counsel's personal web browser, at 2:20 p.m. today after the detention hearing concluded, undersigned counsel located on YouTube what appears to be that video. The web address for that video is <https://www.youtube.com/watch?v=PfiS8MsfSF4>.
5. While the video is lengthy, the portions purportedly depicting Mr. Grider begin at 31:02 into the video. The person believed to be Mr. Grider is seen in a rotunda and is certainly not a "leading participant." To the contrary, at 31:21 into the video, the person believed to be Mr. Grider is pushing people back as Capitol officers are trying to move away from a closed door, and he is waving at the surrounding group of people and saying, "The cops are leaving, the cops are leaving." Mr. Grider is then seen backing away.
6. At 33:30 into the video, the videographer appears before the entrance to the Speaker's Lobby. The person believed to be Mr. Grider, again, is not "a leading participant." At 33:36 into the video, the person believed to be Mr. Grider is seen

in the far right of the frame, not yelling, nor shouting but having a tepid conversation with another male in a tie, presumably a member of the Capitol Police or Capitol staff.

7. The most critical portion of the video begins at 34:05 when the videographer begins talking with what appears to be a member of the Capitol Police guarding the doors to the Speaker's Lobby. From that point, the following is seen:

- At 34:13 into the video, the person believed to be Mr. Grider hands a hard, plastic helmet to another person and then looks back. While there appears to be limited dialogue, it cannot be heard on the video.
- Up until 34:22 into the video, the person believed to be Mr. Grider does not appear to be shouting, waving his arms, or using any physical force against anyone. To the contrary, he again appears at 34:37 into the video engaged in a calm dialogue with a Capitol Police officer guarding the door.
- Immediately thereafter, the officers move away from the door. Several individuals then move in front of the person believed to be Mr. Grider and begin pushing on the door to the Speaker's Lobby. The person believed to be Mr. Grider then places his hand on the door — not the window — and pushes it, not in a manner that would appear that he was truly trying to break it open, but simply to see whether it was secure or not. Others then move in and make obvious attempts to forcefully open the door.
- Immediately thereafter, someone with dark pants clearly kicks the door to the Speaker's Lobby. But from the video, because there are several other

individuals at door, it is not clear that the person believed to be Mr. Grider was that person. What the video does clearly shows is that he *backs away* from the door while several others continue kicking at it and eventually smashing the windows. Nothing the person believed to be Mr. Grider is doing or saying can be construed as “leading” the group or encouraging others to engage in their own destructive behavior.

- Shortly thereafter, the videographer’s focus turns to a gun on the other side of the doors pointed at the people at the door. From that point, the video depicts the graphic and tragic shooting of Ashli Babbitt.
- At 35:35, the person believed to be Mr. Grider is seen again, like others, standing over Babbitt and recording what is taking place but doing nothing more.

8. Defendant is deeply concerned about the Government’s effort to show this Court only the pieces of the puzzle needed to fit their narrative. This newly-discovered video provides a much more complete picture, and more importantly, shows that the person believed to be Mr. Grider is not, like this Court found, “a leading participant,” and he does not appear to be engaged in a forceful and continued attempt to breach the doors to the Speaker’s Lobby.
9. Defendant respectfully requests that this Court reopen the detention hearing and spend simply five minutes watching this video so it can judge for itself whether its decision on detention was truly a correct one and whether the Government provided it with a clear and accurate depiction of what is believed to have taken place.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Court reopen the detention hearing, accept and consider the evidence referenced herein, and revoke its previous Order to detain Defendant pending trial.

Respectfully Submitted,

MAYR LAW, P.C.

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this motion was sent to Counsel for the Government on January 27, 2021, via CM/ECF.

/s/T. Brent Mayr  
T. BRENT MAYR

## Exhibit A to Defendant's Motion to Reopen Detention

